

REMARKS

Reconsideration and allowance of this application, as amended, is respectfully requested.

This Amendment is in response to the Office Action dated April 9, 2008. By the present amendment, the Specification has been amended to correct the error noted in paragraph 4 of the Office Action concerning the designation of the numeral 4 as the insulating film on page 26, lines 6-13. Specifically, this portion of the specification has been corrected to indicate that the indicating film is designated by the numeral 3. Accordingly, it is respectfully submitted that the requirement for correcting the drawings is obviated (since the drawings now correspond with the specification) and removal of the requirement for correction of the drawings is respectfully requested.

Also by the present amendment, the claims have been amended in response to the claim objection set forth in paragraph 5 and the 35 USC §112, second paragraph, rejection set forth in paragraph 8. Therefore, removal of the claim objection and 35 USC §112, second paragraph, rejections is also respectfully requested.

Finally, reconsideration and removal of the 35 USC §102(e) rejection of the claims 1-3, 6-8 and 11 as being anticipated by Hirai (USPub. 2004/0129978) and the 35 USC §101 "same invention" double patenting rejection set forth in paragraph 12 of the Office Action based on prior USP 7,102,155 is also respectfully requested. By the present amendment, the independent claim 1 has been amended to add the feature of:

"wherein the lower electrode comprises a rectangularly shaped gate electrode having a sawtooth-like shape on three of four sides."

An example of this structure for the gate electrode, formed by the lower electrode, can be found in Figs. 17-22 of the drawings, as well as beginning in paragraph [0084] of the published application, (USPub. 2006/0261334) for the present application. As noted in paragraph [0084]:

“The most prominent feature of the present example resides in that, in a rectangle eight, as shown in the figure, a sawtooth-like shape is adopted for each of the three sides other than the left side on which a semiconductor film 7 is formed. This is a design to prevent the false operation caused by the electric interference of an adjacent thin film transistor, as will be described later.”

In order for an anticipation rejection to be proper under 35 USC §102, it is required that every element defined in the claims be found in the cited reference. It is respectfully submitted that there is no teaching, or suggestion, of the claimed rectangular shaped gate electrode having a sawtooth-like shape on three of four sides in the Hirai reference. As such, Hirai lacks both the claim structure and the above-noted advantage of preventing false operation caused by electric interference of adjacent thin film transistors. Therefore, reconsideration and removal of the 35 USC §102 rejection based on Hirai is respectfully requested.

Reconsideration and removal of the same invention type double patenting rejection based on prior USP 7,102,155 is also respectfully requested. As noted in MPEP §804, under the heading “Statutory Double Patenting – 35 USC §101”, “same invention” means identical subject matter.” In the present instance, by virtue of the above-noted added language to independent claim 1, clearly identical subject matter is not being claimed. Therefore, reconsideration and removal of the 35 USC §101 same invention type double patenting rejection is also respectfully requested.

Reconsideration and allowance of the remaining original dependent claims and the newly added dependent claim 12 is also respectfully requested. Regarding this, it is noted that the non-elected method claims 9 and 10 have been canceled,

without prejudice to the applicants' right to proceed with the subject matter of these claims in a divisional application. With regard to the remaining original dependent claims 2-8 and 11, it is first noted that dependent claims 4 and 5 have not been rejected over prior art, and, further, have been amended to respond to the 35 USC §112, second paragraph, rejections. In addition, these claims are dependent on claim 1, which has been amended to overcome the same invention type double-patenting rejection. Therefore, it is respectfully submitted that these dependent claims 4 and 5 are now in condition for allowance, and such action is respectfully requested.

With regard to the other dependent original claims 2, 3, 6-8 and 11, it is respectfully submitted that, in each case, these claims define overall combinations which, when considered together with their amended parent claim 1, serve to define overall combinations neither taught nor suggested by the primary reference to Hirai. Therefore, reconsideration and allowance of these amended claims is earnestly solicited.


Finally, consideration and allowance of the newly added dependent claim 12 is also respectfully requested. This claim defines an arrangement such as shown in Figs. 21 and 22 in which a semiconductor film 7 is formed on the side of the rectangular gate electrodes 8 which side is not constructed to have a sawtooth-like shape. As such, an overall structure is defined which is clearly neither taught nor suggested by Hirai. Therefore, reconsideration and allowance of the newly added dependent claim 12 is also respectfully requested.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the

Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 500.45979X00), and please credit any excess fees to such deposit account.

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP

By /Gregory E. Montone/ 
Gregory E. Montone
Registration No. 28,141

GEM/dks
1300 North Seventeenth Street, Suite 1800
Arlington, Virginia 22209
Telephone: (703) 312-6600
Facsimile: (703) 312-6666